

### **REMARKS**

This responds to the Office Action mailed on October 11, 2006.

Claims 25, 35, 45, 47, and 49 are amended, no claims are canceled, and claims 58-61 are added; as a result, claims 25, 27-35, 37-45, 47, 49 and 52-61 are now pending in this application. The amendments to the claims and any new claims are fully supported by the specification as originally filed, and no new matter has been added. Applicant has amended claims 25, 35, 45, and 49 to further clarify and describe the claimed subject matter. Applicant amended claim 47 to correct a typographical error.

### **§103 Rejection of the Claims**

Claims 25, 27-35, 37-45, 47, 49 and 52-57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sultan (U.S. 6,804,657) in view of Mentzer et al. (Mentzer et al., Benchmarking Sales Forecasting Management, Business Horizons, May-June 1999, p. 48-56 [Google] ).

#### **1. Concerning claims 25, 27-35, and 37-44**

Applicant respectfully traverses this rejection. Applicant submits that no *prima facie* case of obviousness presently exists with respect to these claims because the cited portions of Sultan and/or Mentzer do not disclose, teach, or suggest all of the claimed elements in the independent claim 25 as presently recited, and similarly recited in independent claim 35. In particular, Applicant cannot find any disclosure, teaching, or suggestion of:

identifying, from a plurality of products, a set of one or more products associated with a particular user, wherein the step of identifying includes selecting a set of one or more product nodes from a plurality of product nodes in a product data hierarchy, wherein the product data hierarchy includes a first tier and a second tier, wherein the first tier includes one or more nodes

and wherein the second tier includes one or more nodes, wherein each node in the second tier is associated with at least one node in the first tier;

selecting a set of customers from a plurality of customers; and  
allowing the particular user to access forecast data for the set of one or more customers for each product from the set of one or more products

in the cited portions of these references.

In contrast, Sultan merely discloses a permission scheme based on the relative authority of a user within an organizational hierarchy (Sultan at col.5, lines 12-31). The method to determine which customers are accessible by which users at a given level in this organizational hierarchy is apparently not disclosed.

Moreover, Applicant respectfully maintains that neither Sultan nor Mentzer disclose, describe or teach a product data hierarchy. The Final Office Action attempts to resolve this by citing Sultan's reference to multiple types of products and customers (*see* Response to Arguments, Section 3); however, mere description of multiple types of products does not qualify as a "product data hierarchy," as claimed.

First, a hierarchy is generally accepted a collection organized into ranks, grades, or orders. There is no description of such ranking, grading, or ordering in these references.

Second, the Final Office Action provides an example that "a selected node of interest may take priority in a hierarchy upon selection." *See* Final Office Action, p. 3, lines 3-4. However, this does not describe a product hierarchy. As a first point, the Final Office Action appears to assume that a hierarchy exists before the selection. As discussed, this is simply not the case as neither Sultan nor Mentzer describe product hierarchies. As a second point, if it is the position of the Final Office Action that mere selection of a node creates a product hierarchy, Applicant respectfully points out that the identification must be from a product hierarchy. Thus, creating a product hierarchy from a selection or identification action is incorrectly interpreting the process described in Applicant's claims.

Moreover, Applicant respectfully submits that no *prima facie* case of obviousness exists with respect to these claims because the cited portions of Sultan and/or Mentzer do not disclose, teach, or suggest "allowing the particular user to access forecast data for the set of one or more

customers for each product from the set of one or more products” as presently recited in claim 25, and similarly recited in claim 35. The Final Office Action concedes that Sultan does not teach this particular claimed element (*see* Final Office Action at p. 5, lines 7-9). The Final Office Action apparently relies on Mentzer to teach such a limitation; however, Applicant has read Mentzer, with particular attention to the portions quoted and paraphrased by the Final Office Action, and submits that this limitation is not disclosed, taught, or suggested. While Mentzer apparently describes improving functional integration, collaboration, and communication in general, aspirational language, it does not specifically teach or suggest integration such that one of ordinary skill in the art would derive “allowing the particular user to access forecast data for the set of one or more customers for each product from the set of one or more products.”

Therefore, because Applicant cannot find all elements of claims 25 or 35 in the cited portions these references, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

Claims 27-34 and 37-44 depend from independent claims 25 or 35, either directly or indirectly, and incorporate all of the limitations therein. Claims 27-34 and 37-44 are also asserted to be allowable for the reasons presented above, and Applicant respectfully requests notification of same. Applicant considers additional elements of claims 27-34 and 37-44 to further distinguish over the cited references, and Applicant reserves the right to present arguments to this effect at a later date.

2. Concerning claims 45 and 47

Applicant respectfully traverses this rejection. Applicant submits that no *prima facie* case of obviousness presently exists with respect to these claims because the cited portions of Sultan and/or Mentzer do not disclose, teach, or suggest all of the claimed elements in the independent claim 45 as presently recited. In particular, and as discussed above, Applicant cannot find any disclosure, teaching, or suggestion of:

a storage device containing customer hierarchy data and product hierarchy data, wherein the customer hierarchy data includes a first customer tier and a customer second tier, and further wherein the product hierarchy data includes a first product tier and a second product tier, wherein the first product tier includes one or more nodes and wherein the second product tier includes one or more nodes, wherein each node in the second product tier is associated with at least one node in the first product tier

in the cited portions of these references.

Thus, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

Claim 47 depends from independent claim 45 and incorporates all of the limitations therein. Claim 47 is also asserted to be allowable for the reasons presented above, and Applicant respectfully requests notification of same. Applicant considers additional elements of claim 47 to further distinguish over the cited references, and Applicant reserves the right to present arguments to this effect at a later date.

3. Concerning claims 49 and 52-57

Applicant respectfully traverses this rejection. Applicant submits that no *prima facie* case of obviousness presently exists with respect to these claims because the cited portions of Sultan and/or Mentzer do not disclose, teach, or suggest all of the claimed elements in the independent claim 49 as presently recited. In particular, and as discussed above, Applicant cannot find any disclosure, teaching, or suggestion of:

defining a first data hierarchy of one or more first data items organized into a first plurality of tiers, wherein the first plurality of tiers includes a first tier and a second tier, wherein the first tier includes one or more nodes and wherein the second tier includes one or more nodes, wherein each node in the second tier is associated with at least one node in the first tier;

defining a second data hierarchy of one or more second data items organized into a second plurality of tiers, wherein the second plurality of tiers includes a third tier and a fourth tier, wherein the third tier includes one or more nodes and wherein the fourth tier

includes one or more nodes, wherein each node in the fourth tier is associated with at least one node in the third tier

in the cited portions of these references.

Moreover, as discussed above, Applicant respectfully submits that no *prima facie* case of obviousness exists with respect to these claims because the cited portions of Sultan and/or Mentzer do not disclose, teach, or suggest “allowing the first user to access forecast data for the second set of one or more second data items for each data item in the first set of one or more first data items” as presently recited in claim 49.

Thus, Applicant respectfully submits that no *prima facie* case of obviousness presently exists with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection of this claim.

Claims 27-34 and 37-44 depend from independent claims 25 or 35, either directly or indirectly, and incorporate all of the limitations therein. Claims 27-34 and 37-44 are also asserted to be allowable for the reasons presented above, and Applicant respectfully requests notification of same. Applicant considers additional elements of claims 27-34 and 37-44 to further distinguish over the cited references, and Applicant reserves the right to present arguments to this effect at a later date.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6909 to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

### Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,  
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Date February 12, 2007

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12<sup>TH</sup> day of February 2007.

PATRICIA A. HULTMAN

Name

Signature